

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**P.R., a minor, who sues by and through)
her mother and next friend, TATUM RUUD;)
TATUM RUUD, as an individual,)**

Plaintiffs,)

vs.)

**SEARS, ROEBUCK & CO., a corporation;)
ICON HEALTH & FITNESS, INC., et al.)**

Defendant.)

**CIVIL ACTION NO.:
2:05cv640-B**

REPORT OF PARTIES' PLANNING MEETING

COME NOW Plaintiffs, P.R., a minor, and her mother and next friend, Tatum Ruud and Defendants Sears, Roebuck & Co. and ICON Health & Fitness, Inc., in the above-styled cause, and submit to this Honorable Court their report of parties' planning meeting.

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on September 13, 2005, via telephone and was attended by David E. Allred on behalf of the Plaintiffs and George M. Zoghby on behalf of the Defendants.

2. Pre-Discovery Disclosures. The parties will exchange by September 30, 2005, the information required by Fed.R.Civ.P. 26(a)(1).

3. Discovery Plan. The parties jointly propose to the court the following discovery plan:

Discovery will be needed on the following subjects:

- a. Liability of defendant Sears, Roebuck & Co., if any
- b. Liability of defendant ICON Health & Fitness, Inc., if any
- c. Contributory negligence of plaintiffs, if any

d. Extent of plaintiffs' damages

e. Likelihood of permanent injury to plaintiff P.R.

All discovery commenced in time to be completed by July 31, 2006.

Maximum of 40 interrogatories by each party to any other party.

Maximum of 20 requests for admissions by each party to any other party.

Maximum of 8 depositions by plaintiff(s) and 8 by defendant(s).

Each deposition limited to maximum of 6 hours unless extended by agreement of parties.

Reports from retained experts under Rule 26(a)(2) due:

from plaintiff(s) by April 15, 2006

From defendant(s) by May 15, 2006

Supplementations under Rule 26(e) due every 30 days.

4. Other Items.

The parties request a conference with the court before entry of the scheduling order.

The parties request a pretrial conference in August 2006.

Plaintiff(s) should be allowed until January 1, 2006, to join additional parties and until January 1, 2006, to amend the pleadings.

Defendant(s) should be allowed until February 1, 2006, to join additional parties and until February 1, 2006, to amend the pleadings.

All dispositive motions should be filed by June 30, 2006.

Settlement cannot be evaluated prior to August 1, 2006.

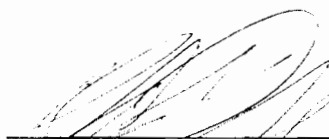
Final lists of witnesses and exhibits under Rule 26(a)(3) should be due:

from plaintiff(s) by July 1, 2006

from defendant(s) by August 1, 2006

Parties should have 10 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).


The case should be ready for trial by October 1, 2006, and is expected to take approximately three to four days.



CARROLL H. SULLIVAN (SULL8646)
GEORGE M. ZOGHBY (ZOGH4188)
Attorneys for ICON Health & Fitness, Inc.
and Sears, Roebuck, & Co.

OF COUNSEL:

SCOTT, SULLIVAN, STREETMAN & FOX, P.C.
Post Office Box 1034
Mobile, Alabama 36633
Telephone: (251) 433-1346
Facsimile: (251) 433-1086



DAVID E. ALLRED
Attorney for Plaintiffs

OF COUNSEL:

DAVID E. ALLRED, P.C.
Post Office Box 241594
Montgomery, Alabama 36124-1594
Telephone: (334) 396-9200
Facsimile: (334) 396-9977